The Worst Mistakes in Legal Writing—Part II

Gerald Lebovits
In the last issue of the Journal, the Legal Writer discussed general mistakes that appear frequently in legal writing. Part II in this multi-part series covers grammar and punctuation and includes a bonus section on frequently misspelled words.

**A. GRAMMAR AND PUNCTUATION MISTAKES**

When it comes to the meaning of sentences, grammar and punctuation contribute a lot. It’s crucial that your grammar and punctuation be impeccable.

1. **Mistakes Involving Commas vs. Semicolons**

   Commas are used to join two closely related independent clauses separated by a conjunction. Semicolons are used to connect two closely related independent clauses not separated by a conjunction.

   **Incorrect**: This contract provides that the seller should pay for the shipping of the goods, it does not state which party is responsible for the shipping.

   **Correct**: This contract provides that the seller should pay for shipping the goods, but it doesn’t state which party is responsible for the shipping.

   Correct: This contract states that the seller should pay for the shipping of the goods; it doesn’t state which party is responsible for the shipping.

   Here’s a common mistake when it comes to commas versus semicolons:

   a. Using a semicolon as the equivalent of a comma.

   **Incorrect**: Although he’s usually a careful person; he acted negligently this time.

   **Correct**: Although he’s usually a careful person, he acted negligently this time.

   b. Using a colon after a linking verb or preposition.

   **Incorrect**: The evidence includes: a gun and a pair of gloves.

   **Correct**: The evidence includes a gun and a pair of gloves.

   c. Using a colon before examples following the words such as.

   **Incorrect**: He enjoys risky outdoor activities, such as: skiing and bungee jumping.

   **Correct**: He enjoys risky outdoor activities, such as skiing and bungee jumping.

   d. Using a semicolon as the equivalent of a colon.

   **Incorrect**: The court record shows that the following people appeared in court; Mr. Smith, Ms. Smith, and Mr. Porter.

   **Correct**: The court record shows that the following people appeared in court: Mr. Smith, Ms. Smith, and Mr. Porter.

2. **Mistakes Involving Colons vs. Semicolons**

   A colon introduces elements that illustrate the information preceded by the colon. A semicolon connects two closely related independent clauses.

   **Incorrect**: There are two parties in a lease agreement; lessor and lessee.

   **Correct**: There are two parties in a lease agreement: lessor and lessee.

   Here are some common mistakes when it comes to colons versus semicolons:

   a. Using a colon after a linking verb or preposition.

   **Incorrect**: The court record shows that the following people appeared in court; Mr. Smith, Ms. Smith, and Mr. Porter.

   **Correct**: The court record shows that the following people appeared in court: Mr. Smith, Ms. Smith, and Mr. Porter.

   b. Using a colon before examples following the words such as.

   **Correct**: He enjoys risky outdoor activities, such as: skiing and bungee jumping.

3. **Mistakes Involving Apostrophes**

   There are two correct ways to use apostrophes. The first is as part of a contraction, such as can’t, doesn’t, don’t, it’s, we’re, and won’t. The second is to show possession, such as “Jacob’s computer.”

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**Multiple exclamation points look cute on social media, but they have no place in mature or professional writing.**

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**Gerald Lebovits** (GLEbovits@aol.com), an acting State Supreme Court justice in Manhattan, is an adjunct at Columbia, Fordham, and NYU law schools. He thanks judicial interns Rosemarie Ferraro (University of Richmond) and Jie Yang (NYU School of Law) for their research.
a. If the subject has a name ending with S, then you have a choice whether you want to follow the formal rule (e.g.: Louis’s car) or to drop the last S (e.g.: Louis’ car). Be consistent with whichever way you choose.

b. If a word is plural, don’t use an apostrophe. Usually, nouns are made plural by adding S (e.g. tools), -es (e.g.: taxes), or -ies (e.g.: companies). There is no noun that becomes plural by adding an apostrophe, except for a single letter or a single number.

Incorrect: I have several tool’s in my car.
Correct: I have several tools in my car.

4. Mistakes Involving Quotations
Quotations legitimize argument by showing that the author didn’t make stuff up. Quoting someone directly eliminates the need for your readers to research a citation to see just how close to the original your paraphrasing was. When inserting quotations into writing, writers commonly make several mistakes.

Here are some common mistakes when it comes to quotations:

a. Sticking the period outside of the quotation marks.

Incorrect: My mother always told me that the best way to “avoid conflict” is to “remove yourself from the situation”.
Correct: My mother always told me that the best way to “avoid conflict” is to “remove yourself from the situation.”

b. Failing to use brackets or ellipses when they’re needed.
When you alter a word or a letter in a quotation, you must put the altered word or letter in brackets. When you delete a word or more from the middle of a quotation, you must insert three ellipses, all spaced out, in the space formerly occupied by the deleted words. When you delete a word or more from the end of a quotation and what’s left from the quotation is an independent clause, add four ellipses, all spaced out.

c. Using quotation marks when you’re paraphrasing.

Never use quotation marks when you’re paraphrasing. When you paraphrase, you’re rewriting a quotation to express with your own words an idea not your own. When you quote, you’re using someone else’s words to express an idea that isn’t yours. Save the quotation marks for when you are quoting someone directly.

d. Using too many quotations (or using long ones).

Quotations are useful, but it’s possible to use too many quotations. When you use lots of quotations, your readers get the impression that you have no thoughts of your own and nothing to contribute. And when you use lots of quotations, you imply that you don’t know how to express or support your own argument.

No one can, in the abstract, say how many quotations are too many. But to judge whether you’re using too many, take into account the size of your quotations, the number of quotations you’ve already used, and the length of your paragraphs. Quality is better than quantity. You can always paraphrase instead.

e. Incorrect quotation marks.

The first, or opening, quotation mark is a double quotation mark. The last, or closing, quotation mark is a double, too. If your quotation itself quotes something, you must add single internal quotation marks, like this: “ ‘ . . . ’ ” You must then say where both your quotation and the internal quotation come from, all the way down to the pinpoint citations.

5. The Serial Comma: To Use or Not to Use?
Should it be used? The answer depends on your preference. Usage varies. The Legal Writer uses them. They help with precision. Whatever you choose, be consistent throughout your writing.

Correct: I had bacon, eggs, and orange juice for breakfast this morning.
Correct: I had bacon, eggs, and orange juice for breakfast this morning.

6. Mistakes Involving Exclamation Points
When it comes to exclamation points in legal writing, less is more. And none is best. A sentence (other than a quotation repeating someone else’s exclamation point) that ends in an exclamation point loses its significance and casts doubt on the author’s skills at understatement. Whatever you do, never end a sentence with more than one exclamation point. Multiple exclamation points look cute on social media, but they have no place in mature or professional writing.
7. **Hyphens and Dashes**

The differences between a hyphen (-), an en-dash (–), and an em-dash (—) are subtle, but they extend beyond the obvious and simple differences in length.

a. **Hyphens.**

A hyphen is used to join words like *eco-friendly* and *time-sensitive* and in some other scenarios, such as when you use someone’s age as an adjective (e.g.: “a 5-year-old boy”) and when you refer to a person who identifies as being two nationalities (e.g.: “Italian-Americans have made extraordinary contributions all across the United States.”).

A hyphen also joins compound adjectives.

*Incorrect:* The criminal justice system. (But it’s also correct not to hyphenate compound adjectives if you’re sure that your reader will understand your sentence on first read. Will a reader think you mean that the system of justice is criminal?)

*Correct:* The criminal-justice system.

*Correct:* The system of criminal justice.

b. **En-Dashes.**

An en-dash is used to express a range of numbers, times, or dates, such as 1–5 or January–June, and can be read as “through” or “to.”

c. **Em-Dashes**

An em-dash, the longer of the dashes, is used in more casual situations than en-dashes, such as when you interrupt your own train of thought. It’s also used for emphasis.

**B. COMMON SPELLING MISTAKES**

The following is a list of commonly misspelled words. When the misspelling of a word isn’t a word itself, spell-checking software can usually detect it. When the misspelling of a word is a word in and of itself, spell checking software can’t discover the mistake. (The asterisk after the word means that the original is a correct word.)

<table>
<thead>
<tr>
<th>The Misspelling</th>
<th>The Correct Spelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acommodate</td>
<td>Accommodate</td>
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<tr>
<td>Causal*</td>
<td>Casual</td>
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<td>Definately</td>
<td>Definitely</td>
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<td>Form*</td>
<td>From</td>
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<td>Hearsay</td>
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<td>Judgement</td>
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<td>Liable</td>
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<td>Statute</td>
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<tr>
<td>Tommorow</td>
<td>Tomorrow</td>
</tr>
<tr>
<td>Trail*</td>
<td>Trial</td>
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</tbody>
</table>

The column continues in the *Journal’s* next issue with Part III of the Worst Mistakes in Legal Writing.

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1. You may also use an apostrophe when you drop one or more letters from a word, such as in “rock ‘n’ roll” (as opposed to “rock and roll”). An apostrophe replaces a dropped letter.

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